

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Allegation of corruption against Sri Gorthi Viswanatham, Selection Grade Secretary, Agricultural Market Committee, Gaddiannaram Fruit Market, Kothapet, Hyderabad – Trapped on 15-05-2009 – Sanction of prosecution under Prevention of Corruption Act, 1988 – Orders - Issued.

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AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.Ms.No. 254

Dated: 08-10-2009

ORDER:

Whereas Sri Gorthi Viswanatham, S/o Late G. Suryanarayana, worked as Selection Grade Secretary, Agricultural Marketing Committee, Gaddiannaram Fruit Market, Kothapet, Hyderabad from 24-05-2008 to 15-05-2009. By virtue of the post held by him, he falls under the category of public servant as defined under section 2(c) of the Prevention of Corruption Act, 1988(Central Act 49 of 1988).

2. And whereas on 14-05-2009 at 04-00 P.M., Sri Md. Ghouse, S/o Late Md. Ibrahim, Occ: Fruit Business, R/o H.No.16-1-25/1/C, Saidabad Colony, Hyderabad came to the Anti Corruption Bureau office and submitted a complaint written in English to the Joint Director, Anti Corruption Bureau, C.I.U., Hyderabad, wherein Sri Md. Ghouse stated that he is eking out his livelihood by doing fruit business for the last 30 years. Sri Md. Ghouse intended to start a business of Fruit Commission at Fruit Market, Gaddiannaram, Hyderabad in the name of Mohd. Ghouse & Co. in the open yard of Gaddiannaram Fruit Market. In order to do that business, first Sri Md. Ghouse has to get a Marketing License from the Selection Grade Secretary, Agricultural Marketing Committee, Fruit Market Gaddiannaram, Hyderabad. In order to get Marketing License, Sri Md. Ghouse gave an application on 14-03-2009 to the Selection Grade Secretary, Agricultural Marketing Committee, Gaddiannaram with a request to issue Marketing License in the name of Mohd. Ghouse & Co. Sri Md. Ghouse requested in his application to allow him to continue his business in the open yard till the shop was allotted. The Selection Grade Secretary Sri G. Viswanatham received the application of Sri Md. Ghouse and demanded to pay an amount of Rs.2,25,000-00 as bribe for processing and for issuing the Marketing License. When Sri Md. Ghouse expressed his inability to pay that much of huge amount, Sri G. Viswanatham, Selection Grade Secretary, threatened him that the marketing license would not be given till the payment of demanded bribe of Rs.2,25,000/-. Since then Sri Md. Ghouse met Sri G. Viswanatham, Selection Grade Secretary three or four times and requested him to issue license, but Sri G. Viswanatham reiterated to pay the demanded bribe of Rs.2,25,000/-. On 14-05-2009, once again when Sri Md. Ghouse met Sri G. Viswanatham and pleaded for the Marketing License, Sri G. Viswanatham finally demanded to pay the bribe of Rs.2,00,000/- for processing and issue of Marketing License.

3. And whereas, Sri Md. Ghouse was not willing to pay the demanded bribe amount of Rs.2,00,000/- to Sri G. Viswanatham, Selection Grade Secretary, Agricultural Marketing Committee, Gaddiannaram Fruit Market, Hyderabad(R.R.District). Sri Md. Ghouse lodged a complaint with the Joint Director(CIU), Anti Corruption Bureau, Hyderabad and requested to take necessary action against Sri G. Viswanatham. The Joint Director(CIU), directed the FAC D.S.P.(CIU), Anti-Corruption Bureau, Hyderabad to take necessary action. Upon which, the FAC D.S.P.(CIU), Anti-Corruption Bureau, Hyderabad registered the complaint as Crime No.14/ACB-CIU-HYD/09 under section 7 of the Prevention of Corruption Act, 1988 on 15-05-2009 at 10-00 A.M. and took up investigation.

4. Whereas on the date of trap i.e. on 15-05-2009, Sri Mohd. Ghouse after leaving the trap party entered into the office room of Sri G. Viswanatham, Selection Grade Secretary, Agricultural Marketing Committee, Gaddiannaram Fruit Market, Hyderabad and met Sri G.Viswanatham. On seeing Sri Md. Ghouse, Sri G. Viswanatham, Selection Grade Secretary enquired about the demanded bribe amount of Rs.2 lakhs. On the positive reply of Sri Md. Ghouse, Sri G. Viswanatham, Selection Grade Secretary demanded to pay the same. Then Sri Md. Ghouse took out two bundles(bunches) of tainted currency notes of one thousand rupee denomination amounting to Rs.2 lakhs from his right side wearing pant pocket and offered the same to Sri G. Viswanatham. Sri G. Viswanatham took the same with his right hand, opened the almirah lying in the corner adjacent to his executive chair, kept the tainted bribe amount in that almirah and closed the almirah. The phenolphthalein test conducted on the right hand fingers of Sri G. Viswanatham, Selection Grade Secretary yielded positive result. The tainted bribe amount of Rs.2,00,000/- was recovered from the iron almirah located at the right side of office chair in his office chamber at the instance of Sri G. Viswanatham. The relevant documents were also seized from Sri G. Viswanatham.

(PTO)

5. And whereas the above said acts of Sri G. Viswanatham Selection Grade Secretary, Agricultural Market Committee, Gaddiannaram Fruit Market, Kothapet, Hyderabad constitute an offence punishable under sections 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) and section 34 IPC.

6. And whereas the Government of Andhra Pradesh, being the competent authority to remove the said Sri G. Viswanatham, Selection Grade Secretary, Agricultural Market Committee, Gaddiannaram Fruit Market, Kothapet, Hyderabad from service after fully and carefully examining the material i.e. preliminary report, copy of F.I.R., pre and post trap proceedings, application pertaining to Sri Mohd. Ghouse, the A.P. Manual of Agricultural Market containing the A.P.(Agricultural Produce & Livestock) Markets Act, 1966, By-laws of Agricultural Market Committee, Gaddiannaram, Hyderabad and Final Report of Director General, Anti Corruption Bureau, Hyderabad, placed before them in respect of the said allegation and having regard to the facts and circumstances of the case, consider that the said Sri G. Viswanatham, Selection Grade Secretary, Agricultural Market Committee, Gaddiannaram Fruit Market, Kothapet, Hyderabad should be prosecuted in a competent Court of Law.

7. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 19 of the Prevention of Corruption Act, 1988(Central Act 49 of 1988), the Government of Andhra Pradesh hereby accord sanction for the prosecution of the said Sri G. Viswanatham, Selection Grade Secretary, Agricultural Market Committee, Gaddiannaram Fruit Market, Kothapet, Hyderabad for the aforesaid offence punishable under sections 7 and 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988(Central Act 49 of 1988) and for any other cognate offences punishable under any provisions of law for the time being in force and for taking cognizance of the said offences by a Court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General,
Anti-Corruption Bureau,
Hyderabad.

//FORWARDED BY ORDER//

SECTION OFFICER